PETITION FOR WRIT OF CERTIORARI

Supreme Court, U.S.

(1)

97-255 AUG 5 1997

No. _____

OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1996

SYLVESTER JONES PRO SE,

Petitioner,

vs.

SUPREME COURT OF THE
UNITED STATES, EN BANC, et al.,

Respondents.

Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

SYLVESTER JONES
Pro Se Petitioner
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St. Louis, Missouri 63106
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61 pp

QUESTIONS PRESENTED

1

Did the Seventh Circuit Court of Appeals en banc, the United States Supreme Court en banc abuse its authority under Article III of the Constitution, conspire, confederate, agreed with others, the Supreme Court issued a fraudulent opinion in *Jones v. ABC TV Network, et al.*, No. 95-7186 based entirely upon criminal lies and deceptions that forever denies Petitioner leave to Petition the Court for leave to "FILE" petitions *In Forma Pauperis* contrary to First Amendment's Rights, access to court, right to petition the government for redress, be heard, freedom of speech, right to offer supporting evidence, right not to be discriminated against, deprived of these rights on the basis of his, race, class and because pro se under 28 U.S.C. § 1654 ? 28 U.S.C. §§ 453, and 1915(a); *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 69 S. Ct. 85, 93 L. Ed. 43 (1948).

2

Did the Seventh Circuit Court en banc acting in concert and participation with the United States Supreme Court en banc abuse its authority under Article III of the Constitution, affirming district judge *sua sponte* dismissal of Petitioner's **paid** complaint *Jones v. United States Supreme Court*, No. 96-CV-703 (S.D. Ill. 1996), pursuant to 42 U.S.C. § 1986 for lack of jurisdiction *with prejudice* prior to issuance of summonses, aided and abated coverup and concealed Class A felony crimes by officers of federal court(s), deprived Petitioner of due process and equal protection under the law. Discriminated against him on

QUESTIONS PRESENTED – Continued

the basis of race, class and because pro se pursuant to 28 U.S.C. § 1654? *Haines v. Kerner,* 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1957). Quoting *Conley v. Gibson,* 355 U.S. 41, 78 S. Ct. 99, 2 L. Ed. 2d 80 (1957), reaffirmed in, *Estelle v. Gamble,* 429 U.S. 97, 50 L. Ed. 2d 251, 97 S. Ct. 285 (1976); *Neitzke v. Williams,* 490 U.S. 319, 104 L. Ed. 2d 338, 109 S. Ct. 1827 (1989); *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit,* 113 S. Ct. 1160 (1993).

3

Did the Seventh Circuit en banc in active concert with United States Supreme Court en banc abused its authority under Article III of the constitution, conspire, confederated, agreed, and discriminated against Petitioner, committed these crimes in violations of the constitution and laws of the United States: 1-obstructing justice 2-racketeering 3-wire, mail and interstate fraud, 4-complicity, 5-extorting monies from Petitioner and family, 6-taking of real and personal properties without notice or hearing, 7-forgery of legal documents, 8-destroying petition(s) and supporting evidence, 9-unlawful uses of forged document(s), 10-knowingly making and using, false, fictitious and fraudulent statements, writings, documents, representations, entries, misapplications of law and facts, 11-grand larceny, 12-knowingly lying in material matters, 13-extorting Petitioner and family of million(s) of dollar(s) pursuant to Rule 4(d)(2) and (d)(5), and 55(a)(b)(1) Fed.R.Civ.P., 14-sanctioned order from

QUESTIONS PRESENTED – Continued

district court en banc to U.S. marshals, too without warrant or probable cause, arrest Petitioner on each occasion he comes into federal courthouse building, follow him until he leaves the building, 15-engaging in an ongoing twenty three (23) years, criminal enterprise and campaign in active concert and participation with members of the media, to convict Petitioner in Court of public opinion, of: character assassination, smear, defamation of character, libelous and slanderous statements unsupported by evidence, bypassing overwhelming documentation evidence of these crimes, and conspiring to commit these crimes and too conceal and coverup, by denying Petitioner access to court, right to be heard? *Butz v. Economou,* 438 U.S. 478, 57 L. Ed. 2d 895, 98 S. Ct. 2894 (1978); *O'Shea v. Littleton,* 414 U.S. 488, 38 L. Ed. 2d 674, 94 S. Ct. 669 (1974); *Stump v. Sparkman,* 435 U.S. 349, 55 L. Ed. 2d 331, 98 S. Ct. 1099 (1978); *Harlow v. Fitzgerald,* 457 U.S. 800, 73 L. Ed. 2d 396, 102 S. Ct. 2727 (1982); *United States v. Will,* 449 U.S. 200 (1980); *Griffin v. Breckenridge,* 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971); *Dennis v. Sparks,* 449 U.S. 24, 66 L. Ed. 2d 185, 101 S. Ct. 183 (1980); *City of Los Angeles v. Lyons,* 461 U.S. 95, 75 L. Ed. 2d 675, 103 S. Ct. 1660 (1983); *Pulliam v. Allen,* 466 U.S. 522, 80 L. Ed. 2d 565, 104 1970 (1984); *Patterson v. McLean Credit Union,* 491 U.S. 164, 105 L. Ed. 2d 132, 109 S. Ct. 2363 (1988).

4

Is doctrine of absolute immunity, and 28 U.S.C. §§ 453 and 455 et seq., unconstitutional as applied in pro se pleadings? *Bradley v. Fisher,* 13 Wall 335, 20 L. Ed. 646

QUESTIONS PRESENTED – Continued

(1872); *Pierson v. Ray*, 386 U.S. 547, 18 L. Ed. 2d 288, 87 S. Ct. 1213 (1967); *Stump v. Sparkman*, 435 U.S. 349, 55 L. Ed. 2d 331, 98 S. Ct. 1099 (1978).

5

Is the Federal Statutes 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988 unconstitutional in pro se cases?

6

Is Federal Statutes 28 U.S.C. §§ 544 and 428 unconstitutional?

7

Is Federal Rule 4(a)(b)(c)(1)(i)(1)(A)(B), (d)(2)(d)(5), et seq. civil procedural unconstitutional in pro se cases?

8

Is Federal Rule 55(a)(b)(1), and (b)(2) in pro se cases unconstitutional?

9

Is Federal Rule 12(b)(6), federal rules civil procedural unconstitutional?

QUESTIONS PRESENTED – Continued

10

Is Federal Rule 8(a), civil procedural unconstitutional?

11

Is Federal Rule 58 civil procedural unconstitutional?

12

Is Federal Rule 52(a), civil procedural unconstitutional?

13

Is the entire Federal Rules Civil Procedural in pro se pleadings unconstitutional?

14

Is 28 Code of Federal Regulations section 50.15, 50.16 unconstitutional in pro se pleadings?

15

Is 28 U.S.C. section 1915(a)(c)(d), in pro se pleadings unconstitutional?

QUESTIONS PRESENTED – Continued

16

Is doctrine of "preponderance-of-evidence" unconstitutional?

17

Is 28 U.S.C. sections 2255, 2241, 2242, 2243 and the all writs act unconstitutional in Plaintiff's pro se pleadings?

18

Is precedent(s) of United States Supreme Court in pro se pleadings unconstitutional?

19

Is 28 U.S.C. section 547(1) in pro se complaints unconstitutional?

20

Is 28 U.S.C. sections 372 and 371 in pro se complaints unconstitutional?

LIST OF PARTIES

SUPREME COURT OF THE UNITED STATES, EN, BANC, CHIEF JUSTICE, WILLIAM H. REHNIQUIST; ASSOCIATE JUSTICES, JOHN PAUL STEVENS; SANDRA DAY O'CONNOR; ANTHONY M. KENNEDY; ANTONIN SCALIA; DAVID H. SOUTER; CLARENCE THOMAS; RUTH BADER GINSBURG; STEPHEN G. BREYER; LAW CLERKS, RAFAEL E. CRUZ; RICHARD W. GAMETT; DAVID H. HOFFMAN; MELISSA R. HART; OLATUNDE C.A., JOHNSON; JONATHAN E. LEVITSKY; REBECCA A. BEYNON; BRIAN M. HOFFSTADT; WILLIAM J. NARDINI; PATRICIA L. SMALL; JOHN E. FEE; CHRISTINE M. JOLIS; HOWARD M. RADZELY; GLEN E. SUMMERS; JOHN P. EWOOD; FRANK A. FENELL; RENEE B. LETTOW; ANTHONY J. VLATAS; WILLIAM M. HOHENGARTEN; ELLEN D. KATZ; GARALD F. LEONARD; TIMOTHY J. SIMEONE; BRENDAN P. CULLEN; JOHN C. EASTMAN; ERIK S. JAFFE; LAURA W. BRILL; DAVID C. CODALL; W. WILLIAM HODES; MARY E. MAGILL; ROBIN A. LENHARDT; NEAL K. KATYAL; AARON M. PANNER; CAROLYN E. SHAPRIO; JAMES DUFF, ADMINISTRATION ASSISTANT; UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT EN BANC; UNITED STATES DISTRICT COURT EN BANC SOUTHERN DISTRICT OF ILLINOIS; UNITED STATES JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT OF THE UNITED STATES EN BANC.

W. CHARLES GRACE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS; UNITED STATES COURT OF APPEALS

LIST OF PARTIES – Continued

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PETITIONER'S PRO SE BRIEF

Petitioner pursuant to 28 U.S.C. § 1654 Respectfully Prays that a Writ of Certiorari be granted, to review the order of the United States Court of Appeals For The Seventh Circuit, Affirmed the District Court's Sua Sponte Dismissal of Pro Se Paid Complaint **With Prejudice** for lack of Jurisdiction.

OPINION BELOW

The opinion of the United States Court of Appeals for the Seventh Circuit were issued May 7, 1997 Copy attached as Appendix (A). Petition for Rehearing en banc was **ignored** and mandate issued, motion to recall mandate and rule on rehearing petition denied on July 16, 1997 copy as Appendix (B).

JURISDICTION

The Opinion of the Court of Appeals for the Seventh Circuit was filed May 7, 1997, Petition for Rehearing was denied on

The Jurisdiction of this Court is invoked pursuant to Article III of the Constitution, 42 U.S.C. § 1986, and 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In the past twenty three (23) years and over $70,000 costs to Petitioner, the courts below have conspired, agreed, and routinely and systematically denied him First Amendment's Rights to be Heard, Petition the Government for redress, Freedom of Speech, Access to court, have supporting evidence considered on the Merits, the Right not to be deprived of these rights and discriminated against on the basis of his race, class and because he pro se pursuant to act of Congress (28 U.S.C. § 1654); Right to be free from unlawful searches and seizures without warrants of probable cause; Fifth Amendment against taking of Real and Personal properties Without Notice or Hearing, Deprived of Due Process and Equal Protection under the Law, Conspired against and deprived of these rights in which to Silence the Truth by depriving Petitioner of his Day-In-Court; Officers of the federal court conspired, agreed to, did caused Petitioner to be denied medical care and treatment at the Veterans Medical center, and others health care providers, in violating of Eighth Amendment. And repeatedly caused Petitioner's Sixth and Seventh Amendments rights violated with impunity.

STATEMENT OF THE CASE

Beginning in 1964 and continued heretofore, in the Eastern district of Missouri, Petitioner continued harassed by St. Louis police officers because his friends were white women, despite he were working three (3)

jobs, no adult or juvenile record. 1969 Petitioner opened a business (Night Club) costs $40,000, the harassment continued while Petitioner would be driving on city streets, not in his club. In 1974 Petitioner and wife (white female) with three minor children went into real estate business, purchased a building 4271 Olive St., St. Louis city, remodeled the building and purchased [$250,000] in stock. Attempted to take a week's vacation before opening for business in Los Angeles California. The same day Petitioner and wife left the city, St. Louis police officers without warrant or probable, broke and entered the building, searched and seized five (5) Vans private property valued ($250,000) after finding that none of the property were stolen, refused to return it upon several requests by Petitioner, three (3) months after the seizure, city officials, without notice or hearing **SOLD** the Petitioner's property at a City Auction sell and keep the proceeds. Petitioner attempted sue in federal court under the Fourth, Fifth and Fourteenth Amendments, and the 1964 Civil Rights Act. The suit *sua sponte* dismissed by Chief District Judge Nangle. Shortly thereafter Petitioner were followed by Federal law enforcement agents. On April 8, 1976 he was arrested, without warrant or probable cause. Later that night the same agents went to Petitioner's home in St. Louis County and again without warrant or probable cause, arrested his wife, leaving along in the home three minor children. Set Petitioner's bond at $150,000 and wife at $50,000. On April 25, and again on 29 1976 charged in a fourteen count indictment. Also on April 8, 1976 federal DEA agents went to the home of a friend of Petitioner and wife, real property owned by us, 8734 Clifton Jennings Missouri, (Mrs. Mary

K. Joplin/Jones) Without warrant or probable cause, searched and seized [Nonincriminating items] 30 minutes after the seizure, agent, Dandall D. Oitker brought a search warrant, listed the seized items thereon, left copy with Mrs. Joplin, showing that no drugs seized in the search. Petitioner, wife and Mrs. Joplin personally gave copy of the warrant's inventory to court appointed attorney, J. Martin Hadican and numerous others documentation evidence, all suppressed in the trial and Petitioner and wife were denied the testimony of (ALL) defense witnesses, **Forged** documents were knowingly used in the trial, Double Hearsay, Perjury testimonies also used in the trial against Defendants. Altered copies of the taped conversations by agent, Oitker also used in the trial, court appointed attorney, knowingly elicited perjury testimony from government only witness, absence agents testimonies, Ranold L. Cannon, four (4) time felony, drug addict, were arrested on December 9, 1975 charged in two count federal indictment with two codefendants for possession of heroin and conspiracy to distribute, made a deal with prosecutor, that all charges be dismissed against him, he will assist government in conviction of Petitioner and wife. Petitioner and wife were found guilty on all 14 counts, and he sentenced to a total of 46 years in prison, and wife five years, Petitioner's conviction affirmed on appeal, the wife reversed, and all charges dismissed. Petitioner served ten (10) consecutive years in prison, and eight consecutive years on parole, and for the past twenty three (23) years he has attempted to be heard, 28 U.S.C. § 2255 Motion(S), §§ 2241, 2242 and 2243 Petition(S) for writ of habeas corpus, the federal courts routinely and systematically denied the pleadings

sua sponte, with an ongoing paper trail of known **Lie(S) and criminal Deceptions**, not a trace of supporting evidence in whole or part facts or circumstances. Petitioner has not heretofore had his Day-In-Court. Moreover, Overwhelming Indisputable documentation evidence on file submitted by Petitioner of his innocence, and government criminal conduct, ignored by the courts, from the district, affirmed by courts of appeals and knowingly sanctioned by U.S. Supreme Court.

REASON FOR GRANTING THE WRIT

1 – This case involves issues never before this Court, or any other court of the United States Judicial System. This case further provides this court with an opportunity to delineate the boundaries of its power/authority under Article III of the Constitution. When this court has knowingly and willfully, with reckless and callous disregards for the Truth, the Civil and Constitutional Rights, privileges and Immunities of Petitioner, his family, members of his race and class, engaged in an on-going twenty two (22) consecutive years abuses of power, with criminal L-I-E(S) and Deception(S) of the truth for the sole purpose of coverup and conceal Class A Felony Crimes as set out above in issue (3).

1a – In an opinion by this court in *Jones v. ABC TV Network*, et al., No. 96-7186, decided February 26, 1996 that denies Petitioner forever the statutory provision of Congress (28 U.S.C. § 1915(a) the right to request from any federal court of the United States leave with affidavit of poverty to file and to proceed in *forma pauperis*. This

court conspired with its law-clerks, clerk and deputy clerks of this court, and media/respondents named in the petition, to and did directed its clerk not to accept for **"Filing"** any pleadings from Petitioner, unless it is accompanied by $300.00 filing fee, and 40 booklets of the petition, and 40 booklets each of any joint appendices. That opinion denies Petitioner access to the U.S. Supreme Court based upon **Poverty,** race and class, and because he attempted to exercise and enjoy Act of Congress (28 U.S.C. § 1654 without the aid of an attorney). That opinion were issued in violation of 18 U.S.C. §§ 1, 2, 3, 4, 241, 242, 1961, 1962, 1963, 2071, 2073, 2075 and 2076, and Unconstitutional on its face, so are the other order of the courts below on the subject matter See attached Appendices – C, D, E and F. For the past twenty three (23) years and **$70,000** costs to Petitioner attempting to be heard and evidence considered that his trial, conviction, and the ten (10) consecutive yeas in prison, and Eight consecutive years on parole were falsely manufactured by the trial judge, prosecutor, court appointed attorneys, federal DEA agents, and the only private witness, Ranold L. Cannon, who were arrested on December 9, 1975 later charged with possession of heroin and conspiracy to distribute with two codefendants, made a deal with Petitioner's trial judge and prosecutor, that all charges be dismissed against him, and he will assist the government in the manufactured conviction of Plaintiff and wife.

1b – Petitioner presented this court with overwhelming, indisputable documentation evidence, that would convict the officers of the lower court time again, in *Jones v. ABC TV Network, supra,* in Joint Appendices – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and in addition

thereto, in a petition for Judgment of the MERITS, Joint Appendices – AA, BB, CC, DD, EE, and FF, that evidence were deliberately bypassed by this court in its rush to judgment to forever deny Petitioner access to court. Contrary to the Supreme Court in 1935 it stated that on the hearing of any appeal, certiorari, writ of error or motion for new trial in any case civil or criminal the court shall give judgment after examination of the entire record before the court. *United States v. Berger,* 295 U.S. 78 at 81, 82. This court cannot come up with a trace of independent evidence in whole or part, facts of circumstances to support its fraudulent opinion and indictment against Petitioner, and this court had the gall to threaten Petitioner with criminal charges in the Op. See further this court's precedent requirements for person unable to prepaid filing fee and costs. *Adkins v. E.I. DuPont de Nemours & Co., Supra.* It is not stated why Petitioner were excluded from that precedent. Under federal laws, this court must produce the evidence that supports its fraudulent opinion.

1c – Petitioner prepaid filing fees for the six cases, *Jones v. ACB TV Network, supra; Jones v. American Civil Liberties Union; Jones v. Sharp Electronics Corp., et al.; Jones v. Weatherford, et al., Jones v. Suburban Journal Newspaper, et al.; Jones v. Jo An Farrington Chief Criminal Division, U.S. Department of Justice, et al.,* Petitioner had each defendant served with copy of complaints and summons, before all served summonses returned to Petitioner and filed with clerk, district court en banc, named defendants in each complaint conspired, agreed, and issued fraudulent en banc order in violation of 28 U.S.C. § 455 et seq., No. 4:95MC00086 that forever bars Petitioner from paying

filing fee in any court of United States, State or Federal, unless permission granted by the court. Heretofore access to court denied. See Appendix (C). District Judge, Parry who wrote the opinion, had the six above cases assigned to her, and dismissed them all With Prejudice, prior to all served summonses returned and file with clerk. Parry further had the following cases assigned to her, and directed clerk to close the cases, without issuing final orders under 28 U.S.C. § 1291. See *Jones v. Janet Reno, et al.*, 4:94CV376; *Jones v. Toshikazu Mitsuda, et al* 4:94CV377; *Jones v. City of St. Louis, et al.*, 4:94CV379; *Jones v. Richard K. Gram, et al.*, 4:94CV378; *Jones v. Judicial Council of the Eighth Circuit, et al.*, No. 4:94CV380; *Jones v. Edward L. Filippine, Chief District Judge, et al.*, 4:94CV381; *Jones v. Jesse Brown, Secretary, U.S. Department of Veterans Affairs, et al.*, No. 4:94CV382; *Jones v. United States of America, et al.*, No. 4:94CV383; *Jones v. Milk Henry, et al.*, No. 4:94CV385; *Jones v. Joseph B. Moore, assistant U.S. Attorney et al.*, 4:94CV385, and *Jo Ann Farrington, et al., supra.* No. 4:94CV741 (U.S. Supreme Court, No. 95-7694) Solicitor general, Day III were served with two copy of all six petitions in the six cases shown above, and two copies of Joint Appendices – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and in *Jones v. ABC TV Network, supra,* with petition for Judgment on the Merits, and Joint Appendices – AA, BB, CC, DD, EE, and FF. Despite his duty under 28 U.S.C. §§ 544 and 547(1), 42 U.S.C. § 1986, he filed with the court, form to waiver right to respond. Depriving Petitioner of due process and equal protection of law, and knowingly sanctioned Class A Felony Crimes. 1d – each Respondent, members of the media, as named

in the caption, were repeatedly furnished costs to Petitioner, all and more the evidence in the joint Appendices above, 60 Minutes, and Ted Koppel beginning in 1984, these respondents had an affirmative duty under First Amendment, and 42 U.S.C. § 1986 to inform people of the United States these crimes committed by officers of the courts, and others in active concert and participation with them, ignored the evidence and coverup and concealed these crimes, heretofore with impunity.

2 – THE DISTRICT COURT ERRED, ABUSED ITS DISCRETIONARY POWER CONSPIRED, CONCEALED COVERUP CLASS A FELONY CRIMES, DISREGARDED **42** U.S.C. § **1986** DISMISSED PAID COMPLAINT WITH-PREJUDICE FOR LACK OF JURISDICTION; AFFIRMED BY U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT, BYPASSING *HAINES VS. KERNER*, 404 U.S. 519; QUOTING *CONLEY VS. GIBSON*, 355 U.S. 41: REAFFIRMED IN *ESTELLE VS. GAMBLE*, 429 U.S. 97.

Petitioner Challenges the Constitutionality of **42 U.S.C. § 1986** under Article III of the Constitution, 28 U.S.C. § 453, when Overwhelming Documentation Evidence, were furnished to a federal judge that Class A Felony Crimes had been and are being committed in and by another federal circuit court en banc and its district court en banc constitutes, knowledge and having preventive power, rather than exercising that power, ***Sua Sponte Dismissed*** the Civil Complaint, and disregarded the supporting evidence ***With Prejudice***, knowingly aiding and abating the commission of other crimes, and coverup and concealed felony crimes after the fact. Also violated the requirements of U.S. Precedents in *Haines v. Kerner*, 404 U.S. at 520, 521 (1972); *Conley v. Gibson*, 355 at 45, 46

(1957); that the court MUST be satisfied "Beyond Doubt that the plaintiff can prove no set of facts which would entitle him to relief." Neither courts including this Court, can say with supporting evidence that Petitioner can prove no set of facts, in any case which he filed in any court of the United States. The other precedents set out in Issue 2 above, disregarded by the three branches of the United States Government. House and Senate Committees of the Judiciary, members of the press/media.

2a – This court has stated in numerous opinions, that "those who deliberately deprive a citizen of his constitutional rights risk conviction under federal criminal law(S). See e.g., *City of Los Angeles v. Lyons*, 461 U.S. 95, 75 L.Ed.2d 675, 103 S. Ct. 1660 (1983); *Dennis v. Sparks*, 449 U.S. 24, 66 L.Ed.2d 185, 101 S. Ct. 183 (1980); *Pulliam v. Allen*, 466 U.S. 522, 80 L.Ed.2d 565 104 S. Ct. 1970 (1984); **O'Shea v. Littleton,** 414 U.S. 488 at 503, 504, 38 L.Ed.2d 674, 94 S. Ct. 669 at 679, 680 (1974). In *Butz v. Economou*, 438 U.S. 478 at 506, 57 L.Ed.2d 895, 98 S. Ct. 2894 at 2910 (1978): Our system of jurisprudence rests on the assumption that all individuals, whatever their position in government, are subject to federal law: No man in this country is so high that he is above the law. No officer of the law may set that law at defiance **With Impunity.** All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." In *Hutto v. Davis*, 454 U.S. 370, 70 L.Ed.2d 556, 102 S. Ct. 703 (1982), this Court, said: "unless we wish **anarchy** to prevail within the federal judicial system a **precedent** of this Court **MUST** be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." Neither this Court or the

courts below has followed these prerequisite requirements in pro se paid or in forma pauperis civil rights complaints.

2c – Petitioner further challenges the Seventh Circuit claim that the United States Supreme Court, has no contact with the State of Illinois, or Petitioner's State of Missouri, that the Court has contact with all 50 states of the United States, see e.g., the minimum contact rule set in *International Shoe Co. v. Washington*, 326 U.S. 310, 66 S. Ct. 154, 90 L.Ed. 95 (1945), see also *Stafford v. Briggs*, 444 U.S. 527, 63 L.Ed.2d 1,100 S. Ct. 774 (1980).

3 – THE UNITED STATES SUPREME COURT EN BANC HAS CONSPIRED, CONFEDERATED, AGREED, DISCRIMINATED AGAINST PETITIONER, PRO SE, AND IN FURTHERANCE THEREOF KNOWINGLY COMMITTED CLASS A FELONY CRIMES, IN VIOLATION OF ARTICLE III OF THE CONSTITUTION, LAWS OF THE UNITED STATES.

The Seventh Circuit has attempted to coverup and conceal the fact that the Supreme Court en banc has knowingly engaged in an ongoing criminal enterprise and campaign against Petitioner to silence the truth beginning in 1976 and continued heretofore of but not limited too: 1 – Obstructing Justice, 2 – using the power of the court to prevent enforcement of federal laws and procedurals, 3 – Racketeering, 4 – wire, mail and interstate fraud, 5 – complicity, 6 – extorting monies from Petitioner and family, 7 – taking of Real and personal properties **Without** Notice or Hearing, 8 – Forgery of legal documents, 9 – unlawful uses of forged legal documents, 10 – coverup and concealed federal DEA agents,

forgery of another search warrant's inventory, after a warrantless search and seizure of nonincriminating items, set out on an original inventory return, and copy left with the occupant of the dwelling, see copy of warrant's return attached as Exhibit (3), copy of the same document attached to brief on direct appeal. See No. 76-15379 (8th Cir. 1976), the same document hidden from this court on writ of certiorari in No. 76-896 (U.S. Supreme Court – 1976). This document in itself, should have been grounds for hearing under 28 U.S.C. § 2255, since the same were unconstitutionally suppressed in the trial by trial judge, prosecutor, and the two court appointed attorneys, Hadican and Forst, but from 1976 heretofore, time and again hearing denied, affirmed on appeals, and certiorari denied.

However, Supreme Court's crimes continues: – Justices, its clerk Suter, deputies clerks, Cahill and other did conspired, agreed, and **[Threw away]** the following documents/evidence in *Jones v. Sharp Electronics Corp, et al., Jones v. Chris Weatherford, Assistant Administration VA Medical Center, et al.,* and *Jones Suburban Journal Newspaper, et al.,* and the Jointe Appendices submitted in each case, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,16, 17, and 18, a mountain on top of a mountain of indisputable documentation evidence of the crime committed by officers of federal courts, including this court. Deputy clerk, Cahill attempt through lies and deceptions, that these petitions had been docketed in the Supreme Court, using Eighth Circuit docket numbers, despite no evidence of consolidation by the court of these three petitions, nor has there been any final ruling by the court on those

petitions heretofore. See copy of that fraudulent letter attached as Exhibit (4).

3a – Crimes continues; 12 – Knowingly making and repeatedly using false, fictitious and fraudulent statements, writings, documents, entries, representations, misapplications of law and facts, 13 – Grand larceny, 14 – Knowingly and continuously to **L-I-E** in material matters, 15 – sanctioned extortion of million(S) of dollars from Petitioner and family owed to him pursuant to Rule 4 (d)(2) and (d)(5) and over a billion of dollars pursuant to Rule 55(a)(b)(1) and (2), Fed.R.Civ.P., 16 – Sanctioned colluded order of district court en banc, Eastern Missouri, to the U.S. Marshals to, without warrants or probable cause arrest Petitioner on each occasion he comes into the federal courthouse building, and follow him until he leaves, Petitioner has been followed into the [Menroom] by federal marshals attempting to discourage him from seeking justice, 17 – the same federal district court en banc, office of the U.S. Attorney, did conspired with local television stations, St. Louis Post Dispatch newspaper officials, reporter Tim Bryant, Viacom and Viacon Broadcasting of Missouri (KMOV TV Channel 4, officials its reporter, Jammie Allen) summoned those two reporters to the courthouse, conspired with them, and agreed that they use the paper and TV station to and did broadcast and pointed known falsely manufactured L-I-E(S) attempting to convict Petitioner in court of Public Opinion, of but not limited too: assassination of character, smear, defamation of character, slanderous and libelous statements, totally unsupported by a trace of independent evidence, This court said in *Board of Regent of State College v. Roth,* 408 U.S. 564 at 573, 33 L.Ed.2d 548, 92 S. Ct. 2701

at 2707 (1972): " '[w]here a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, **notice and an opportunity to be heard are essential**.' " for the past **Twenty Three (23) Years** this court, in active concert and participation with the courts below, has repeatedly **Sua Sponte Denied** Petitioner his right to be Heard, heretofore. And has knowingly bypassed Overwhelming Documentation evidence presented by Petitioner to these authorities, in which to maintain the coverup and conceal the truth, by silencing Petitioner with an ongoing paper trail spanning these twenty three years, only the judicial and office of the U.S. Attorneys of these districts has been heard, which the records and files supports. This Court has stated time and again, that whoever deprives a person of his Constitutional rights Risk conviction under federal law, See e.g., *O'Shea v. Littleton,* 438 U.S. 488 at 503, supra, 94 S. Ct. 94 at 679, 680; *Dennis v. Sparks,* 449 U.S. 24, 66 L.Ed.2d 185 at 191, 101 S. Ct. 183; *City of Los Angeles v. Lyons,* 461 U.S. 95, 75 L.Ed.2d 675, 103 S. Ct. 1660; *Pulliam v. Allen,* 466 U.S. 522, 80 L.Ed.2d 104 S. Ct. 1970, an indictment were issued against a judge for excluding persons from jury duty on the basis of race. *Butz v. Economou,* 438 U.S. 478 at 506, 57 L.Ed.2d 895, 98 S. Ct. 2894 at 2910, this court is not above the law, *Stump v. Sparkman,* 435 U.S. 349, 55 L.Ed.2d 331, 98 S. Ct. 1099; *Harlow v. Fitzgerald,* 457 U.S. 800, 73 L.Ed.2d 396, 102 S. Ct. 2727); *Griffin v. Breckenridge,* 403 U.S. 88, 91 S. Ct. 1790, 29 L.Ed.2d 338, See also *Patterson v. McLean Credit Union,* 491 U.S. 164, 105 L.Ed.2d 132, 109 S. Ct. 2363, concerning **Stare Decisis,** precedents of this Court. 18 – This Court conspired to coverup and conceal by Judicial orders all of

the above crimes. This Court is the most Racist supreme court in the history of the United States courts, it is Anti-Poor, Anti-Black, especially Black males, Anti-Pro Se, plaintiffs/petitioners, Against equal rights, against the 1964 Civil Rights Acts, caused Congress to enact the 1991 Civil Rights Act, See this court's attempt to weaken the civil rights Act in *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989): *Criggs v. Duke Power Co.* 401 U.S. 424 (1971), Despite Black people struggled, suffered, and some dead, the only group that has benefited the **White-Females.** Now the court is anti-Affirmative Action, fear it may benefit Black people the most. Petitioner demands **[Impeachment Hearings/Trials, Removal and Criminal Prosecutions** of this court and all other respondents herein]

3b – This Court maintains a Revolving Door policy for members of the **Ku Klux Klan,** First Amendment rights, See *Capitol Square and Advisory Board v. Pinette,* slip op., decided June 29, 1995 and other white people's First Amendment rights, See *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston,* ___ U.S. ___, 115 S. Ct. 714, 130 L.Ed.2d 621 (1995); *Rosenberger v. Rector and Visitors of University of Virginia,* slip op., decided June 29, 1995, while setting out on paper spanning twenty three (23) years that Petitioner has no rights, civil or Constitutional, access to court, and right to be heard repeatedly denied to him, a Combat war Veteran, **Wounded in Combat,** to be repeatedly told he has no rights to complain about whatever his government does to him. This court can further protect First and Fourteenth amendments of member of the other racist groups such as **[The Aryan Brotherhood]** See *Dawson v. Delaware,* slip op., decided

March 9, 1992, but not First and Fourteenth Amendment Rights of the Petitioner. Drug dealers has constitutional right to hearing under the due process and equal protection clauses of the Fifth and Fourteenth Amendments, before real property can be taken. The Government must afford notice and an opportunity to be heard. See *United States v. James Daniel Good Real Property,* slip op. decided December 13, 1993, but not the Petitioner, real and personal properties taken from him, wife and *four* (4) *minor children Without Notice or Hearing* by the federal government officials. Further opinion of this court, that **[Money]** is Free-Speech, protected under the First Amendment, when there are no crime that can be committed, that have not been committed in the name of *"MONEY"* This fact in itself clearly shows why the Court is anti-Poor, and anti-Black. Petitioner asks permission, pursuant to *Haines v. Kerner, supea* to consolidate the following issues, Federal Rules and Statutes, for reasons, all were systematically denied to him by Respondents for the past twenty three (23) years, denied trial, and hearing: *issue* (4) doctrine of absolute immunity and 28 U.S.C. §§ 453 and 455 et seq., are no more that a sanctuary to coverup and conceal abuses of power, Class A Felony Crimes as herein, discriminatory polices and practices on the basis of race, class, and because as here, Pro Se under 28 U.S.C. § 1654, under color of federal laws and authorities – *Issue* (5), 42 U.S.C. §§ 1981, 1983, **1985, 1-9-8-6,** and **1988,** the past twenty three (23) years, and over **$70,000** respondents judges repeatedly denied Petitioner right to litigate, trial, hearing and/or-*Issue* (6), 28 U.S.C. §§ 544 and 428, Fed.R.Civ.P., office of U.S. Attorney, Eastern district of Missouri, repeatedly knowingly violated these Statutes,

despite attorneys named as Defendants in the Complaints. *Issue* (7), Petitioner followed the requirements of **Rule 4,** Fed.R.Civ.P., and still district judge, denied him costs and reasonable attorney fees, as required, see *Mathon v. Marine Midland Bank* N.A., 875 F.Supp. 986 (E.D.N.Y. 1995); *United States v. First Midwest Bank,* No. 94-C-7365, (1995) WL 447762 (N.D. ILL. 1995 – Rule 4 advisory committee note. *Issue* (8), Respondents repeatedly denied Petitioner, requirements of **Rule 55(a)(b)(1) and (b)(2),** Fed. R. Civ. P., despite he followed the Rule requirements. *Issue* (9) **Rule 12(b)(6),** Fed.R.Civ.P., are no more than a Fraud upon the American People, whereas in pro se cases, federal judges, routinely as a matter of course, abuse this Rule in the role as attorneys, Counsels, and representatives of Defendants, Pro se paid civil rights complaints *sua sponte* dismissed as a matter of course. *Issue* (10), Federal judges has routinely abused its power, dismissing pro se paid civil rights complaints under **Rule 8(a),** Fed.R.Civ.P., despite this Court has never heretofore, Ruled or Delineated what constitutes A Short and Plain Statement of the Claim, and what constitutes under the Rule grounds for dismissal of the complaint. *Issue* (11), Rule 58, Entry of Judgment, in pro se cases this rule repeatedly violated by federal judges, refuses to follow the Rule requirements, which includes the clerk of court, the judgment shall be set forth on a separate document. A judgment is only entered when it is set forth in that manner. See Rule 79, Fed.R.Civ.P., and in writing. See *Axel Johnson, Inc. v. Arthur Andersen, & Co.,* 6 F.3d 78 at 84 (2d Cir. 1993); *Cooper v. Town of East Hampton,* 83 F.3d 31 at 33 (2d Cir. 1996); *Morris v. City of Hobart,* 39 F.3d 1105 at 1110 (10th Cir. 1994), cert. denied ___ U.S. ___, 115 S. Ct.

1960, 313 L.Ed.2d 852 (1995); *Virgo v. Riviera Beach Assocs.*, 30 F.3d 1350 at 1356 (11th Cir. 1994), unless these requirements are met, the judgment is not entered. *Constitution Bank v. Tubbs*, 68 F.3d 685 at 692 n.7 (3d Cir. 1995): *United States v. Indrelunas*, 411 U.S. 216, 93 S. Ct. 1562, 36 L.Ed.2d 202 (1973). *Issue* (12), Rule 52(a), Fed.R.Civ.P., routinely bypassed in pro se paid or in forma pauperis civil rights complaints, requiring findings of fact and conclusions of law by judge is mandatory, and cannot be waived. *Francis v. Goodman*, 81 F.3d 5, at 8 (1st. Cir. 1996). The findings must be sufficient to indicate factual basis for the ultimate conclusion, *Liddell v. Board of Education of the City of St. Louis*, 20 F.3d 328 (8th Cir. 1994). *Issue* (13), in Petitioner's Pro se paid and in forma pauperis civil rights complaints, not one of the Federal Rules Civil Procedural followed by the district judge, over the past twenty three (23) years, due process and equal protection of law, disregarded as a matter of course. Issue (14), **Code of Federal Regulations** Section **50.15**, totally disregarded by all officers and employees, the U.S. Department of Justice, in Petitioner's Pro Se paid civil rights complaints, from 1976 heretofore **With Impunity.**

Issue (15), 28 U.S.S. § 1915(a), requires the person only to show that he/she are financially unable to prepay costs and fees, and that his/her cause is in good faith, and entitle to redress, but this court and the federal courts below routinely abuses its power, and the requirements of the statute, by inter alia recklessly speculating based solely on the face of the complaint, without receiving a trace of evidence, denies leave to just "File" the pleading in forma pauperis, and when leave to "File" is granted, leave to proceed denied, despite overwhelming

evidence in support of the claims. *Issue* (16), "**Doctrine: Preponderance-Of-Evidence,** for the past twenty three (23) years the federal district judges, has knowingly and willfully, deprived Petitioner of his right to present evidence, and when evidence are filed with the complaints, disregarded, heretofore. Issue (17) 28 U.S.C. §§ 2255, 2241, 2242, 2243 and the all Writs Act, has been to Petitioner denied a Hearing from 1976 heretofore, despite the maintain upon mountain of corroborating indisputable evidence supporting the over 71 factual claims set out by the two documents **Sworn** thereto under penalties for perjury and **notarized,** copies of the same should have been filed with the petitions in *Jones v. ABC TV Network, supra; Jones v. American Civil Liberties Union, et al. supra; Jones v. Jo Ann Farrington supra,* et al. See e.g., Appendices – A, 3, 4, 5, Consolidated 12 and 19, and B-15, the same documents were submitted with the three petitions and same joint appendices that the Justices and its clerks conspired to and did **Threw away**. See pp., 12 and 13 herein. Despite all the evidence hearing denied since 1976 heretofore, Petitioner attempted pursuant to *Sanders v. United States,* 373 U.S. 1, 10 L.Ed.2d 148, 83 S. Ct. 1068 (1963); *Townsend v. Sain,* 372 U.S. 293, 9 L.Ed.2d 770, 83 S. Ct. 745 (1963); *Speiser v. Randall,* 357 U.S. 513, 78 S. Ct. 1332 (1958); *McQueen v. Swenson (I)* 498 F.2d 207 (8th Cir. 1974); *McQueen v. Swenson* (II), 560 F.2d 959 (8th Cir. 1977); *Strickland v. Washington,* 466 U.S. 668, 104 S. Ct. 2052; *Frank v. Delaware,* 438 U.S. 154, 57 L.Ed.2d 667, 98 S. Ct. 2674 (1978), hearing routinely denied, while such evidence in *Hadley v. Groose, et al.,* 95-2392, *Hadley v. Groose, et al.,* No. 95-2515 (8th Cir. 1996), granted, no to Petitioner for 23 years a hearing.

Issue (18), Precedent(S) of the U.S. Supreme Court systematically as a matter of course denied to Petitioner, including those cited herein. *Issue* (19), 28 U.S.C. § 547(1) states that each United States attorney, within his district shall prosecute for all offenses against the United States. Petitioner have for the past twenty two (22) consecutive years, furnished the U.S. attorneys, in the Eastern and Western districts of Missouri, district of Columbia, U.S. Attorney generals, and at less seven other districts overwhelming documentation evidence supporting respondents herein guilt of these crimes, all of which ignored most of which by omissions.

Issue (20), 28 U.S.C. **§§ 372 et seq., 371(b)(1),** Section 372 et seq., are grossly discriminatory, a **Fraud** upon the American people, designed for the sole purpose of concealing, coverup, and sanction Crime(S) knowingly committed by federal judges, justices, and other officers of the courts/magistrates. E.g., judges of the district courts are also members of the Judicial Councils, sitting in judgment for themselves. Number (2), Justices of the U.S. Supreme Court, are not included in the Statute requirements, that they are above the law, Number (3), No Victim of the judge, justice, or as herein both, can individually take his case before Congress under Article III § I of the Constitution, criminal behaviour, See Article I §§ [6] and [7] of the Constitution. And (4), it is the judges themselves, that committed these crimes, investigate themselves, see § (B)(i)(ii), and refer themselves to the Judicial conference, § 8(A), for further proceedings leading to Impeachment, removal from office, leading to criminal prosecutions, and imprisonment as other criminals. See Article II of the Constitution. All of the above Statutes

and Rules are Unconstitutional for total lack of enforcement by these three Branches of the United States Government in Pro Se Victims/Plaintiffs' cases, racist, Discriminatory, racially motivated **Hate Crimes** against Petitioner, his family, members of his race and class, by these Respondents, to include the attorneys of these Respondents, that had an affirmative duty as others under 42 U.S.C. §§ 1985(3) and **1-8-8-6.** But instead, after the facts, conspired and agreed, and acted in furtherance thereof, coverage and concealed these crimes, depriving Petitioner of his **Day-In-Court,** and all the other Guarantees of the Constitution, as enjoyed by white people. See *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 88 S. Ct. 2186, 20 L.Ed.2d 1189 (1968); *Sullivan v. Little Hunting Park, Inc.*, 396 U.S. 229, 90 S. Ct. 400, 24 L.Ed.2d 386, (1969), See also *United States v. Will*, 449 U.S. 200 (1980). Under the Constitution and laws of the United States, Respondents must comes forth with independent evidence justifying its 23 years of depriving Petitioner of his right to be heard, the ongoing pains and suffering caused by conduct of Respondents.

CONCLUSION

For all the reasons, herein and all other evidence not here presented, does Petitioner have the right to be heard, if so the Writ of Certiorari should be granted.

Respectfully requested,

SYLVESTER JONES
Pro Se Petitioner
1220 Warren St., Apt 303 E
St. Louis, Missouri 63106
(314) 621-7047

APPENDIX A

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

JUDGMENT – WITHOUT ORAL ARGUMENT

Date: May 7, 1997

BEFORE: Honorable JOEL M. FLAUM, Circuit Judge

Honorable DANIEL A. MANION, Circuit Judge

Honorable TERENCE T. EVANS, Circuit Judge

No. 96-3262

SYLVESTER JONES,

Plaintiff - Appellant

v.

SUPREME COURT OF THE UNITED STATES OF AMERICA, et al.,

Defendants - Appellees

Appeal from the United States District Court for the Southern District of Illinois, East St. Louis Division. No. 96 C 703, William D. Stiehl, Judge

No. 96-3289

SYLVESTER JONES,

Plaintiff - Appellant

v.

VIACON BROADCASTING OF MISSOURI, et al.,

Defendants - Appellees

Appeal from the United States District Court for the Southern District of Illinois, East St. Louis Division. No. 96 C 700, William D. Stiehl, Judge

The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date

APPENDIX B

UNITED STATES COURT OF APPEALS

For the Seventh Circuit
Chicago, Illinois 60604
Submitted May 7, 1997*

Decided May 7, 1997

Before

Hon. JOEL M. FLAUM, Circuit Judge

Hon. DANIEL A. MANION, Circuit Judge

Hon. TERENCE T. EVANS, Circuit Judge

SYLVESTER JONES,
Plaintiff-Appellant,

No. 96-3262 v.

UNITED STATES SUPREME COURT, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Illinois.

No. 96-CV-703

William D. Stiehl, *Judge*

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* This court concluded that there were no appellees in either of these appeals and that the appeals would be submitted on the briefs of the appellant without the filing of a brief by any appellees. Accordingly, the appeal is submitted on the appellant's briefs and the records. This court also ordered the removal the United States Supreme Court as a party on appeal number 96-3262.

SYLVESTER JONES,

Plaintiff-Appellant,

No. 96-3289

v.

No. 96-3262 & 96-3289

VIACON BROADCASTING OF MISSOURI, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Illinois.

No. 96-CV-700

William D. Stiehl, *Judge*

ORDER

Pro se litigant, Sylvester Jones, appeals the dismissal of two cases in which he names hundreds of defendants. In one case, Jones alleged that Sharp Copier Company, among others, perpetrated fraud on American consumers. In the other case, Jones sought recovery for violations of 42 U.S.C. §§ 1981, 1985, 1986, and 1988 against various federal officials and courts, private companies, and individuals. The district court, *sua sponte*, dismissed both actions with prejudice for lack of jurisdiction. Because we conclude that Jones has failed to establish that the federal courts have jurisdiction over any of the defendants or actions set forth, we affirm.

Both of Jones' complaints are comprised of incomprehensible legal and factual assertions against hundreds of defendants. His appellate briefs are filled with nonsensical string cites to various authority and the arguments are fragmented contentions and allegations. In addition, Jones does not state a reason for reversal of the district court in either case.

An appellant's brief must "contain the contentions of the appellant on the issues presented, and the reasons therefor, with citations to authorities, statutes, and parts of the record relied on." Fed. R. App. P. 28(a)(6). We have previously warned *pro se* litigants that this court may dismiss an appeal that does not contain an identifiable argument or that fails to specify any error in the district court's decision. *Brooks v. Allison Div. of Gen. Motors Corp.*, 874 F.2d 489, 490 (7th Cir. 1989); *McCottrell v. EEOC*, 726 F.2d 350, 351 (7th Cir. 1984). Because Jones has failed to make a "minimally complete and comprehensible argument for each of his claims," *Luddington v. Indiana Bell Tel. Co.*, 966 F.2d 225, 230 (7th Cir. 1992), *cert. denied*, 511 U.S. 1068 (1994), or specify error made by the district court, he has not satisfied the requirements of Federal Rule of Appellate Procedure 28.

Even if his appellate briefs were comprehensible, we would still affirm the district court because the court lacked jurisdiction over the claims. Federal courts are courts of limited jurisdiction. *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986). A plaintiff may bring an action in federal court only if the action is authorized by Article III of the Constitution or if a statute promulgated by Congress authorizes the federal courts to hear that type of case, *i.e.*, only if the federal court has subject matter jurisdiction. *Id.* at 541.[1]

---

[1] Jones does not claim diversity jurisdiction, although he does state the citizenship of some of the defendants in his pleadings, many of whom are residents of Missouri, as is he. This alone is not enough for him to allege that his claims are within diversity jurisdiction. *See Hammes v. AAMCO Transmissions, Inc.*, 33 F.3d 774, 778 (7th Cir. 1994).

Here, Jones disputes the constitutionality of statutes governing judicial and congressional acts, as well as alleging that multiple conspiracies were formed to convict him with tainted evidence. He also generally states that the defendants are guilty of racial discrimination and that various defendants perpetrated fraud against American consumers. Jones cites to numerous federal statutes and Constitutional provisions, including criminal conspiracy statutes and the First, Fourth, Fifth, Sixth, Seventh, Eighth, Thirteenth, and Fourteenth Amendments. However, he does not frame his arguments in a discernable fashion and, as such, we will not construct his arguments for him. *See Roland v. Langlois*, 945 F.2d 956, 963 (7th Cir. 1991) (appellate court reviews arguments; it does not construct them).

Having reviewed Jones' complaints and arguments on appeal, we conclude that the district court properly resolved the jurisdiction question *sua sponte*. *See Yasuda Fire & Marine Ins. v. Continental Gas Co.*, 37 F.3d 345, 347 (7th Cir. 1994) (district court has duty to resolve jurisdictional questions even when parties do not raise them).

AFFIRMED

APPENDIX C

UNITED STATES COURT OF APPEALS *dh*

For the Seventh Circuit
Chicago, Illinois 60604

July 16, 1997

By the Court:

SYLVESTER JONES, Plaintiff-Appellant, Nos. 96-3262 and 96-3289 v. SUPREME COURT OF THE UNITED STATES OF AMERICA, Defendant-Appellee.	Appeals from the United States District Court for the Southern District of Illinois, East St. Louis Division. No. 96 C 700 William D. Stiehl, Judge.

The following are before the court:

1. **APPELLANT'S MOTION OBJECTING TO COURT'S MANDATE,** filed on July 8, 1997, by the pro se appellant, which the court construes as a motion to recall the mandate.

2. **APPELLANT'S MOTION OBJECTING TO COURT'S MANDATE,** filed on July 8, 1997, by the pro se appellant, which the court construes as a motion to recall the mandate.

IT IS ORDERED that the motions are **DENIED.**

APPENDIX D

SUPREME COURT OF THE UNITED STATES

SYLVESTER JONES *v.* ABC-TV ET AL.

ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

No. 95-7186. Decided February 26, 1996

PER CURIAM.

Pro se petitioner Sylvester Jones requests leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request pursuant to Rule 39.8. Jones is allowed until March 18, 1996, within which to pay the docketing fee required by Rule 38 and to submit his petition in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari from Jones in noncriminal matters unless he pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.1.

Jones has abused this Court's certiorari process. In October 1992 we first invoked Rule 39.8 to deny Jones *in forma pauperis* status in two petitions for certiorari. See *Jones v. Wright*, 506 U. S. 810; *In re Jones*, 506 U. S. 810. At that time, Jones had filed over 25 petitions in this Court, all of which were patently frivolous and had been denied without recorded dissent. And since October 1992, we have invoked Rule 39.8 five times to deny Jones *in forma pauperis* status. See *Jones v. Schulze*, 518 U. S. ___ (1994); *In re Jones*, 510 U. S. ___ (1993); *Jones v. Jackson*, 510 U. S. ___ (1993); *Jones v. Suter*, 508 U. S. 949 (1993); *Jones v. Jackson*, 506 U. S. 1047 (1993). Currently, Jones has at least two more petitions for certiorari pending.

We enter the order barring prospective filings for the reasons discussed in *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992). Jones' abuse of the writ of certiorari has been in noncriminal cases and so we limit our sanction accordingly. The order will not prevent Jones from petitioning to challenge criminal sanctions which might be imposed against him. The order will, however, allow this Court to devote its limited resources to the claims of petitioners who have not abused our certiorari process.

JUSTICE BREYER took no part in the consideration or decision of this motion.

It is so ordered.

JUSTICE STEVENS, dissenting.

For the reasons I have previously expressed, I respectfully dissent. See *Attwood v. Singletary*, 516 U. S. ___, ___ (1996) (STEVENS, J. dissenting); *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J. dissenting); *Zatko v. California*, 502 U. S. 16, 18 (1991) (STEVENS, J. dissenting).

APPENDIX E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:)
)
SYLVESTER JONES)

ORDER OF COURT EN BANC

(Filed June 20, 1988)

This matter is before the Court en banc on its own motion. In 1986, 1987, and 1988 (to date), Sylvester Jones has filed fourteen civil rights complaints in the Eastern District of Missouri: *Jones v. Hadican, et al.*, No. 86-1251C(3); *Jones v. Community Federal Savings and Loan Ass'n, et al.*, No. 86-1494C(4); *Jones v. First American Title Ins. Co., et al.*, No. 86-1495C(5); *Jones v. Howard, et al.*, No. 86-1496C(2); *Jones v. United States Federal Bureau of Prisons, et al.*, No. 86-1497C(4); *Jones v. Howard, et al.*, No. 86-1593C(6); *Jones v. Davey, et al.*, No. 87-25C(2); *Jones v. City of St. Louis, et al.*, No. 87-884C(1); *Jones v. City of St. Louis, et al.*, No. 87-2079C(3); *Jones v. City of St. Louis, et al.*, No. 88-255C(1); *Jones v. U.S. Department of Justice, et al.*, No. 88-370C(5); *Jones v. Bryant, et al.*, No. 88-680C(3); *Jones v. United States, et al.*, No. 88-797C(6); and *Jones v. Oitker, et al.*, No. 88-945C(1). All of these complaints have been filed *pro se* and *in forma pauperis*. All of these complaints name many defendants (sometimes in excess of 60 individuals) and are very long (sometimes in excess of 50 pages). Ten of these complaints have been dismissed,

most of them as frivolous before process issued: No. 86-1251C(3); No. 86-1494C(4); No. 86-1495C(5); No. 86-1496C(2); No. 86-1593C(6); No. 87-884C(1); No. 87-2079C(3); No. 88-255C(1); No. 88-370C(5); and No. 88-946C(1). Four of them are still pending: No. 86-1497C(4); No. 87-25C(2); No. 88-680C(3); and No. 88-797C(6).

Upon review of these fourteen complaints, this Court en banc expressly finds that Sylvester Jones has abused the judicial process and has abused his right to file complaints *in forma pauperis* "by filing a multitude of meritless lawsuits, and that this course of conduct will likely continue unabated unless preventive measures are imposed." *In re: Billy Roy Tyler,* 839 F.2d 1290, 1295 (8th Cir. 1988); *see Green v. White,* 616 F.2d 1054 (8th Cir. 1980). Therefore, in order to ensure the integrity of the judicial process and in order to prevent Sylvester Jones from further abusing his right to file complaints *in forma pauperis,* this Court en banc hereby adopts the following measure:

IT IS HEREBY ORDERED that the Clerk of the Court be and hereby is directed not to accept complaints for filing *in forma pauperis* by Sylvester Jones *unless* the complaints allege in clear and specific language that Sylvester Jones has recently been subjected to a constitutional deprivation by reason of an extraordinary and irreparable physical harm or that Sylvester Jones is about to be subjected to a constitutional deprivation by reason of the threat of an immediate, extraordinary, and irreparable physical harm, and unless said complaints are supported by affidavits which set forth clearly and specifically the facts giving rise to the complaints and any

documentation of such facts that may exist. In addition to the above, the Clerk may accept for filing petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 upon payment of the $5 filing fee therefor and may accept for filing motions to vacate pursuant to 28 U.S.C. § 2255 without any filing fee required.

/s/ John F. Nangle
John F. Nangle

/s/ Edward L. Filippine
Edward L. Filippine

/s/ William L. Hungate
William L. Hungate

/s/ Clyde S. Cahill
Clyde S. Cahill

/s/ Stephen N. Limbaugh
Stephen N. Limbaugh

/s/ George F. Gunn, Jr.
George F. Gunn, Jr.

Dated: June 17, 1988

APPENDIX F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:	)	
	)	No. 4:95MC00086 CDP
SYLVESTER JONES,	)	

ORDER

This matter is before the Court upon the submission of a civil complaint for filing by Sylvester Jones.

En banc order of the Court

Sylvester Jones is subject to an en banc order of this Court for abusing the judicial process by filing frivolous and harassing litigation. *See In re Sylvester Jones,* No. 4:95MC00086 CDP (Order of the court En Banc, E.D. Mo. April 10, 1995). The en banc order enjoins Jones from filing any pro se complaint, whether accompanied by the requisite filing fee or in forma pauperis, without first receiving leave of court to do so.

Jones must submit with any action he attempts to file two documents: i) a motion for leave to file a pro se complaint; and ii) an affidavit. *See* Appendix C of the Order of the Court En Banc. The motion for leave to file must contain a statement advising the Court whether he has previously brought suit against a named defendant, and a list of all lawsuits that he has filed in federal court. The affidavit must state that he had never raised the claim or claims contained in the complaint in any court, that the claims or claims are not frivolous or taken in bad

faith, and that the claim or claims are not intended to harass. In addition, Jones must submit either the requisite filing fee or request leave to proceed in forma pauperis. Failure to comply with these procedures is sufficient grounds for the Court to deny the motion for leave to file or leave to proceed.

The complaint

Jones has submitted to the Court an original copy of a complaint for damages and a letter to the Clerk of Court titled *"QUESTION"*. A review of these documents indicates that Jones has failed to comply with any of the requirements of the en banc order. Jones has not submitted a motion for leave to file this action nor an affidavit regarding the claims he wishes to present. Furthermore, Jones has submitted neither the $150 filing fee or a motion for leave to proceed in forma pauperis. Therefore, the Court will order the Clerk to return to Jones all documents received on March 13, 1997, to him without filing.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall return to Jones, without filing, the complaint and related documents received on March 13, 1997.

IT IS FURTHER ORDERED that the Clerk shall retain a received Stamped copy of Jones' March 13, 1997 complaint and related documents.

Dated this 28th day of March , 1997.

/s/ Catherine D. Parry
UNITED STATES
DISTRICT JUDGE

APPENDIX G

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SYLVESTER JONES,

Plaintiff,

v.

WILLIAM SUTER, Clerk of the United States Supreme Court,

UNKNOWN DEPUTY CLERKS FROM THE IN FORMA PAUPERIS DEPARTMENT, United States Supreme Court,

OTHER PERSONS UNKNOWN, United States Supreme Court,

THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT,

THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI,

Defendants.

Civil Action No. 91-2142

(Filed Sept. 27, 1991)

ORDER

It appearing to the Court that plaintiff has filed six previous suits in this Court, each of which has been dismissed, and it further appearing to the Court that plaintiff is the subject of a vexatious litigant order in the United States District Court for the Eastern District of Missouri where he has filed over fourteen frivolous,

duplicative and meritless lawsuits, *see* Order of the Court En Banc, E.D. Mo. June 17, 1988, it is, this 27th day of September, 1991.

ORDERED, *sua sponte,* that plaintiff shall seek leave of this Court before filing any new civil action; that he shall certify that any such complaint raises new matters never before decided on the merits by any federal court; and that he shall truthfully so certify any complaint on pain of penalty of contempt of this Court.

/s/ Thomas Penfield Jackson
Thomas Penfield Jackson
U.S. District Judge

EXHIBIT-3

RETURN

I received the attached search warrant April 8, 1976, and have executed it as follows:

On April 8, 1976 at 4:00 o'clock PM, I searched the person or premises described in the warrant and

I left a copy of the warrant with Mary K. Topkins/ Jones
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

A High Standard .22 cal. magnum Derringer, model DM-101, serial number 225-3281

A ERMA-weake mod. KGP-68, 380 cal. pistol, serial number 106 473, plus clip

A Smith & Wesson revolver model 10-5, .38 special caliber, serial number C857185

Various papers and records pertaining to Sylvester Jones, at birth were seized from the safe

A Protect-All Fire Safe

This inventory was made in the presence of S/P James McDowell and Dex, Dennis Becker

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

/s/ Randall D. Oitker

Subscribed and sworn to and returned before me this ___ day of ___, 19__.

_____

Federal Magistrate

EXHIBIT-4

SUPREME COURT OF THE UNTIED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543

WILLIAM K. SUTER
CLERK OF THE COURT

AREA CODE 202
479-3011

January 30, 1996

Sylvester Jones
1220 Warren Street
Apartment 404 East
St. Louis, MO 63106-4052

RE: Jones v. ABC TV, et al.

Petitioner: Sylvester Jones

In reply to your letter which was received by this office on January 29, 1996. All six of the petitions you submitted are on the docket. Lower court case numbers 95-2769/2785/2770/2796 are under Supreme Court #95-7186. Lower court numbers 95-2561 and 95-3591 are docketed as Supreme Court 95-7693 and 95-7694 respectively. You have already been sent the appropriate forms for notifying counsel in case 95-7186, and you will receive the forms for notifying counsel in cases 95-7693 and 95-7694.

Sincerely,

William K. Suter, Clerk
By: /s/ Troy D. Cahill
Troy D. Cahill
(202) 479-3044

Enclosures